

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed January 23, 2008. Claims 44 and 46-56 were pending in the Application. In the office Action, Claims 44 and 46-56 were rejected. In order to expedite prosecution of this Application, Applicant amends Claims 44, 46-48, 50 and 53-55 and cancels Claims 49, 52 and 56. Thus, Claims 44 and 46-56 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

**SECTION 112 REJECTIONS**

Claims 44 and 46-54 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that “[t]he use of alternative language ‘gate or garage door’ renders the claim vague and indefinite” (Office Action, page 2). Applicant has amended claims 44, 46-48, 50 and 53-54 to overcome the Examiner’s rejection. Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

**SECTION 103 REJECTIONS**

Claims 44 and 46-56 were rejected under 35 U.S.C. § 103(a) as being unpatenable over U.S. Patent No. 5,998,950 to Fitzgibbon et al. (hereinafter “*Fitzgibbon*”) in view of U.S. Patent No. 5,942,985 to Chin (hereinafter “*Chin*”). Applicant respectfully traverses these rejections.

Of the rejected claims, Claims 44, 46-50 and 52-56 are independent. Independent Claim 44 recites, in part: “causing said base transmitter to transmit a radio frequency signal to said remote receivers”, “causing said control circuit to effect one of opening and closing said barrier depending on whether or not said base receiver receives a signal from at least one of said remote transmitters” and “causing said barrier to move from a closed position to an open position in response to a signal from any one of said remote transmitters and remaining in an open position as long as any one of said remote control units is within a radio frequency communication range of said controller” (emphasis added). Applicant respectfully submits that the proposed combination of references does not disclose, teach or suggest all claim limitations of independent Claim 44. For example, *Chin* appears to disclose a wireless lock device that continuously transmits a pilot signal until a wireless key device is located within range of the

wireless lock device (*Chin*, Col. 5, Lines 11-13). If the wireless key device is recognizable (e.g., transmits a valid lock access code to the lock device), the lock device is automatically released/unlocked (*Chin*, Col. 5, Lines 13-16). If one of two predetermined periods of time elapses (e.g., either a predetermined period of time after unlocking the lock device or a predetermined period of time after the wireless key device is out of range of the lock device), the wireless lock device is restored to the locked state (*Chin*, Col. 4, Lines 52-64 and Col. 5, Lines 17-18). Thus, the lock in *Chin* always locks, even if the remote control unit remains within a radio frequency communication range of the controller. For example, if the wireless key device remains within a wireless communication range of the wireless lock device for longer than the predetermined time interval for automatic locking, the wireless lock device automatically lock. Accordingly, *Chin* does not disclose teach or suggest that the door remains "in an open position as long as any one of said remote control units is within a radio frequency communication range of said controller" as recited by independent Claim 44 (emphasis added"). Applicant notes that none of the remaining cited art appears to remedy this deficiency of *Chin*. Accordingly, Applicant respectfully submits that independent Claim 44 is patentable over the proposed combination of references and respectfully requests that the rejection of independent Claim 44 be withdrawn.

Independent Claim 48 recites, at least: "causing said controller to maintain said barrier in an open condition as long as said base receiver receives a signal from at least one remote transmitter . . . ." Independent Claim 50 recites, at least "causing said controller to maintain said barrier in an open position if one of said remote control units is in signal receiving range of said radio frequency signal from said base transmitter . . . ." Independent Claim 54 recites, at least: "causing said barrier to remain in an open position as long as said base receiver receives a signal from at least one of said remote control units in response to said search signal from said base transmitter . . . ." For at least the reasons discussed above with respect to independent Claim 44, Applicant respectfully submits that independent Claims 48, 50 and 54 are also patentable over the proposed combination of references.

Claim 51 depends from independent Claim 50. Therefore, for at least this reason, Applicant respectfully requests that the rejection of Claim 51 be withdrawn.

Independent Claim 46 recites: "causing said base transmitter to transmit a radio frequency signal to said remote receivers", "causing said controller to effect one of opening and closing said barrier dependent on said base receiver receiving a signal from a remote

transmitter of one of said plural remote control units”, “actuating said base switch to effect closing of said barrier”, “causing said controller to determine if all of said remote control units are within a range of said controller effective to receive signals from all of said remote transmitters” and “U.” Applicant respectfully submits that the proposed combination of references does not disclose, teach or suggest all claim limitations of independent Claim 46. For example, *Chin* does not cause “said controller to determine if all of said remote control units are within a range of said controller effective to receive signals from all of said remote transmitters” as recited by independent Claim 46 (emphasis added). To the contrary, *Chin* discloses recognizing the presence of a wireless key device in order to actuate the lock, which is irrelevant and immaterial as to whether all of the remotes are within range. In addition, *Chin* does not cause “said base transmitter to cease transmitting signals to said remote receivers in response to determining if all of said remote control units are within said range” (emphasis added). *Chin*, on the other hand, continuously transmits a pilot signal, regardless if a remote is in range. If communications between the wireless key and wireless lock devices are maintained continuously more than a predetermined number, the controller in the wireless key device, and not in the wireless lock device (e.g., the base transmitter), releases the wireless key device from communication with the wireless lock device (*Chin*, Col. 5, Lines 35-38). Applicant submits that none of the other cited art of record appears to remedy this deficiency. Accordingly, Applicant respectfully submits that independent Claim 46 is patentable over the proposed combination of references.

The Examiner further states in the Office Action that the “ceasing transmission” step in claim 46 is met by an operator turning off the system (Office Action, January 23, 2008, Page 4). Applicant respectfully submits that independent Claim 46, as amended, recites that the base transmitter ceases transmitting signals to the remote receivers “in response to determining if all of said remote control units are within said range” (emphasis added) and thus, is not in response to “an operator turning off the system”, as suggested by the Examining attorney. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection of independent Claim 46.

Independent Claim 47 recites: “causing said base transmitter to transmit a radio frequency signal to said remote receivers”, “causing said controller to effect one of opening and closing said barrier dependent on said base receiver receiving a signal from a remote transmitter of one of said plural remote control units”, “causing said controller to effect closing of said barrier” and “ceasing transmission of signals from said base transmitter in response to said

base receiver receiving a signal from all of said remote control units" (emphasis added). For at least the reasons discussed above with respect to independent Claim 46, Applicant submits that *Chin* does not cease "transmission of signals from said base transmitter if said base receiver receives a signal from all of said remote control units" or determine whether the base receiver receives a signal from "all of said remote control units" as recited by independent Claim 47. Applicant further submits that none of the other cited art appears to remedy these deficiencies. Accordingly, Applicant respectfully submits that independent Claim 47 is patentable over the proposed combination of references.

Furthermore, the Examiner states in the Office Action that the "ceasing transmission" step in claim 47 is met by an operator turning off the system (Office Action, January 23, 2008, Page 4). Applicant respectfully submits that independent Claim 47, as amended, recites that the transmission of signals from the base transmitter is ceased "in response to said base receiver receiving a signal from all of said remote control units" and thus, is not in response to "an operator turning off the system", as suggested by the Examining attorney (emphasis added). Accordingly, in view of the foregoing, Applicant respectfully requests that the rejection of independent Claim 47 be withdrawn.

Independent Claim 53 recites "actuating one of said switches to cause said operator system to close said barrier", "causing said base transmitter to transmit a radio frequency signal to said remote receivers", "transmitting an acknowledgement signal from any of said remote control units which has received a signal from said base transmitter", "sending an additional signal from said base transmitter to said any one remote control unit to cause a remote transmitter associated with said any one remote control unit to cease responding to a signal from said base transmitter", "causing said base transmitter to continue to send a periodic signal searching for any of said remote units which has not responded to a signal from said base transmitter" and "causing said operator system to move said barrier to an open position in response to receiving a signal by said base receiver from a remote transmitter which has moved into range of signals between said base transmitter and said remote transmitter which has moved into said range" (emphasis added). Applicant respectfully submits that the proposed combination of references does not disclose, teach or suggest all claim limitations of independent Claim 53. For example, *Chin* discloses a system having a base member that transmits a continuous pilot signal for receipt by wireless key device. When the key device is in range and recognized by the base lock device, the lock is unlocked. After a predetermined time, the lock is locked. *Chin* discloses that in order to cease communications between the

wireless lock device and the wireless key device, the wireless key device releases itself from communication with the base device only after a predetermined time, without any instruction or additional signal from the wireless lock/base unit (*Chin*, Col. 5, Lines 35-38). Thus, *Chin* does not disclose, teach or suggest “sending an additional signal from said base transmitter to said any one remote control unit to cause a remote transmitter associated with said any one remote control unit to cease responding to a signal from said base transmitter” as recited in independent Claim 53 (emphasis added). Accordingly, Applicant respectfully submits that independent Claim 53 is patentable over the proposed combination of references.

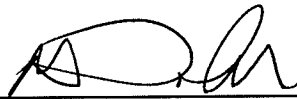
**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

Applicant requests a three month extension of time to respond to the Office Action dated January 23, 2008. The Commissioner for Patents is hereby authorized to charge all fees or to credit any fee overpayment relating to this matter to Deposit Account No. 07-0153.

Respectfully submitted,

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